

**REMARKS/ARGUMENTS**

Claims 1 through 5, 7 through 12, and 14 remain in this application.

Claims 1 through 5, 7 through 12, and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0107040 A1 to Crandall, et al. ("Crandall publication") in view of U.S. Patent No. 6,654,344 B1 to Toporek ("Toporek patent").

Neither the Crandall, et al. publication nor the Toporek patent describe or suggest transmitting a message from the client device with the slowest latency to other client devices with a delayed link latency that is based on the link latency of the next slowest client device. It is important to note that the slowest client is the one who is transmitting a message. The claims are directed to an improvement to the generalized algorithm (as described by the Crandall publication), where the slowest client is transmitting and the server reduces the maximum latency value so that it equals the next slowest client, thus speeding up the conversation, i.e., the second slowest participant becomes the pacer. This concept is beneficial to certain applications, such as chat and the like, where the slowest participant, when sending a message, can display the message itself, rather than wait for the message to be sent to the server and back again. Since the message need not return to the client over this slowest link, we can adjust the system to reduce that part of the latency. Accordingly, the delay that had been allocated for the return trip on the slowest link is removed. For these reasons, claims 1 and 8 distinguish patentably from the Crandall publication, the Toporek patent, and the suggested combination of these references.

Claims 2 through 5, 7 and 9 through 12, and 14 depend from and include all limitations of independent claims 1 and 8. Therefore claims 2 through 5, 7 and 9 through 12, and 14 distinguish patentably from the Crandall publication, the Toporek patent, and the suggested combination of these references for the reasons stated above for claims 1 and 8.

In view of the above, reconsideration and withdrawal of the 35 U.S.C. §103(a) rejections of claims 1 through 5, 7 through 12, and 14 are respectfully requested.

### **CONCLUSION**

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should the Examiner have any

questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,  
Phillips, W. Garland

Please forward all correspondence to:  
Motorola, Inc.  
Law Department (HDW)  
600 North US Highway 45, AS437  
Libertyville, IL 60048

<u>/HISASHI D. WATANABE/</u>	<u>07/09/07</u>
Hisashi D. Watanabe	Date
Attorney for Applicant(s)	
Registration No. 37,465	
Telephone: (847) 523-2322	
Facsimile: (847) 523-2350	